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	L-03	ADS-00	M-00	NSAE-00	NSCE-00	OCS-06	OIC-02
	OMB-01	OPR-01	PA-01	PM-02	PRS-01	P-01	SCT-03
	SIL-00	SP-00	SR-00	SSO-00	SS-00	STR-16	TRSE-00
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FM AMEMBASSY KIGALI
TO SECSTATE WASHDC PRIORITY 5051
INFO AMEMBASSY ADDIS ABABA
AMEMBASSY BRUSSELS
AMEMBASSY BUJUMBURA
AMEMBASSY KINSHASA
AMEMBASSY KAMPALA
AMEMBASSY DAR ES SALAAM
USMISSION GENEVA
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 KIGALI 04082

E.O. 12356: DECL:OADR
TAGS: PHUM, PINS, PINR, RW
SUBJECT: ASSASSINATION ATTEMPT ON HUMAN RIGHTS LEADER

1. (U) LEADING HUMAN RIGHTS ACTIVIST AND PUBLIC
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PROSECUTOR OF THE KIGALI APPEALS COURT, ALPHONSE
NKUBITO, WAS THE VICTIM EVENING OF 11/14 OF A GRENADE
ATTACK. HE SUSTAINED INJURIES FROM GRENADE FRAGMENTS
IN HIS LEG, BACK AND BUTTOCKS BUT SHOULD RECOVER
FULLY. THE ATTACK OCCURRED ABOUT 9 PM. AS HE OPENED
HIS CAR DOOR AFTER PARKING THE VEHICLE NEXT TO HIS
HOUSE, HE SAW A GRENADE ROLLING TOWARD HIM. HE RAN
TOWARD HIS DOOR AND MANAGED TO GET INSIDE. HE
BELIEVES MORE THAN ONE GRENADE EXPLODED. WINDOWS IN
HIS HOUSE AND CAR ARE SHATTERED AND THE CAR IS
REPORTEDLY DESTROYED. HE DID NOT SEE ANYONE. HIS

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NEIGHBOR, WHO TOLD DCM HE HEARD ONE LOUD EXPLOSION, HELPED NKUBITO REACH THE HOSPITAL. THE INCIDENT WAS REPORTED ON THE LOCAL LANGUAGE NEWS BROADCAST NEXT DAY AT NOON. THE JUDICIAL AND GENDARMERIE INVESTIGATIVE UNITS ARE LOOKING INTO THE INCIDENT. NO ARRESTS HAVE BEEN MADE.

2. (C) SPECULATION ABOUT THE MOTIVE FOR THE ATTACK CENTERS ON A CASE INVOLVING DIVERSION OF WFP FOOD FOR THE DISPLACED. THE ACCUSED IN THE CASE HAS CLOSE TIES TO THE PRESIDENT'S ENTOURAGE: HE USED TO BE CHAUFFEUR FOR THE PRESIDENT'S PRIVATE SECRETARY, COL. SAGATWA, WHO IS WIDELY BELIEVED TO HAVE ORDERED KILLINGS IN THE PAST. ON 11/15 THE APPEALS COURT OF KIGALI WAS TO DECIDE WHETHER THE ACCUSED SHOULD CONTINUE TO BE HELD IN PREVENTIVE DETENTION OR RELEASED. NKUBITO, AS PROCURER GENERAL FOR THE APPEALS COURT, HAD ORDERED THAT HE REMAIN IN CUSTODY PENDING INVESTIGATION OF THE CASE. ANOTHER PROSECUTOR, WHO HAS NO JURISDICTION IN THE CASE BUT

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IS HIMSELF CLOSE TO THE PRESIDENT'S ENTOURAGE, SENT NKUBITO A THREATENING LETTER DEMANDING THAT THE ACCUSED BE RELEASED.

3. (C) ANOTHER THEORY SUGGESTS THAT NKUBITO WAS TARGETED FOR DEATH BECAUSE HE KNOWS TOO MUCH ABOUT PAST ABUSES PERPETRATED BY PRESIDENT HABYARIMANA AND HIS ENTOURAGE IN THE PAST. IN PARTICULAR, NKUBITO CONDUCTED THE INVESTIGATION IN THE UNRESOLVED CASE OF THE DEATH OF COL. MAYUYA IN 1988. THE ACTUAL KILLER WAS HIMSELF KILLED IN JAIL AND THREE MILITARY OFFICERS, TWO COLONELS AND A MAJOR, ARRESTED IN CONNECTION WITH THE CASE WERE NEVER BROUGHT TO TRIAL BEFORE THEY WERE RELEASED UNDER A 1991 GENERAL AMNESTY DECREE. ACCORDING TO THIS THEORY, THE CURRENT COURT CASE INVOLVING WFP DIVERSIONS IS A CONVENIENT SMOKE SCREEN TO DIVERT ATTENTION FROM THE REAL REASON FOR THE ASSASSINATION ATTEMPT.

4. (U) NKUBITO HAS HELD THE POSITION AS CHIEF PROSECUTOR FOR THE APPEALS COURT IN KIGALI SINCE THE EARLY 1980'S, WITH THE EXCEPTION OF ABOUT 18 MONTHS SUBSEQUENT TO THE RPF ATTACK IN OCTOBER 1990. HIS ROLE IN ENGINEERING THE RELEASE OF THOUSANDS OF

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PARDONS, MOSTLY TUTSIS, ARBITRARILY ARRESTED AS RPF SYMPATHIZERS, RESULTED IN HIS TRANSFER TO ANOTHER COURT IN A LESS POLITICIZED AREA. HE WAS RETURNED TO KIGALI AFTER THE LIBERAL PARTY TOOK OVER THE JUSTICE MINISTRY WITH THE INSTALLATION OF THE MULTIPARTY COALITION GOVERNMENT IN APRIL 1992.

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5. (U) IN 1990, JUST BEFORE THE RPF ATTACK, NKUBITO LAUNCHED RWANDA'S FIRST HUMAN RIGHTS ORGANIZATION, ARDHO, AN ASSOCIATION CONSISTING PRIMARILY OF JURISTS AND MAGISTRATES EMPLOYED BY THE GOVERNMENT. HE HAS BEEN PRESIDENT OF ARDHO SINCE ITS INCEPTION AND IS CURRENTLY ALSO PRESIDENT OF A CONSORTIUM OF HUMAN RIGHTS GROUPS, CLADHO. BOTH ARDHO AND CLADHO HAVE BEEN EXCEEDINGLY ACTIVE SINCE IN INVESTIGATING HUMAN RIGHTS ABUSES, PUBLISHING REPORTS OF INCIDENTS, AND MAKING INTERVENTIONS ON BEHALF OF VICTIMS.

6. (C) COMMENT. NKUBITO'S LIFE HAS BEEN THREATENED ON SEVERAL OCCASIONS AND HE HAS DESCRIBED TO DCM INCIDENTS HE THOUGHT MIGHT HAVE BEEN ASSASSINATION ATTEMPTS. THIS TIME HE IS TRULY FRIGHTENED. SO ARE

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OTHER HUMAN RIGHTS ACTIVIST AND PERSONS WHO HAVE
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 STOOD UP FOR JUSTICE AND DEMOCRACY IN RWANDAN
 SOCIETY. DESPITE INVESTIGATIONS, THE ATTACKERS ARE
 UNLIKELY TO BE FOUND, LET ALONE CHARGED AND FAIRLY
 TRIED. ALTHOUGH THE REASON FOR THE ATTACK MAY NEVER
 BE KNOWN, IT IS POSSIBLE THAT IT IS A RENEGADE EFFORT
 TO DERAIL THE PEACE PROCESS BY PERSONS RESISTING THE
 POWER-SHARING ARRANGEMENT SO CENTRAL TO THE ARUSHA
 ACCORD.

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